

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MUSE APARTMENTS, LLC,

Plaintiff,

v.

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA,

Defendant.

Case No. C12-2021RSL

ORDER DENYING MOTION TO REVISE
SUMMARY JUDGMENT ORDERS

This matter comes before the Court on “Plaintiff’s Motion for Revision or Reopening of Court’s Interlocutory Order Regarding Motions for Summary Judgment – Dkt. # 47 and 63.” Dkt. # 134. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

(1) Although plaintiff’s request to reconsider the prior orders is untimely under LCR 7(h)(2), it only recently obtained third-party confirmation of what it has long suspected: that Travelers had at all relevant times the authority to provide the type of coverage 1031 ECI sought in 2009. Travelers had categorically denied having such authority at oral argument on the summary judgment motions and made similar representations throughout discovery. Any delay in discovering that the representations were false is justified.

(2) Plaintiff has not, however, shown an error in the Court’s prior rulings. The contract claims were dismissed because the policy did not provide coverage for loss of client property at

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1 the hands of Richard Dance. The fact that Travelers could have provided coverage for that type
2 of loss does not change the outcome of the summary judgment motions.

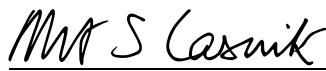
3 (3) Because plaintiff's request for sanctions under 28 U.S.C. § 1927 depended on a
4 finding that the Court would have ruled differently had it known that Travelers was, in fact,
5 authorized to provide coverage for the loss at issue (Dkt. # 134 at 11-12), the request is denied.

6 (4) Defendant's cross motion for sanctions under 28 U.S.C. § 1927 is also denied.
7 Defendant's refusal to acknowledge its prior statements and the clear distinction between "could
8 not" and "would not" is troubling. While plaintiff was unable to show error in the Court's prior
9 orders, an attempt to obtain some form of relief or sanctions related to defendant's
10 misrepresentations was justified.

11 (5) Defendant's motion to strike is denied.

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13 For all of the foregoing reasons, plaintiff's motion for revision or reopening (Dkt.
14 # 134) is DENIED.

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16 Dated this 22nd day of December, 2014.

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18 Robert S. Lasnik
19 United States District Judge
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